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Docket No. 843A

Paper	No.	

## DECLARATION FOR PATENT APPLICATION

Applicant: James H. Trato

Serial No.: Unknown Filing Date: Herewith

SLURRIES FOR For: CEMENTITIOUS COMPOSITIONS AND CEMENTITIOUS

PERMANENTLY PLUGGING ABANDONED WELLS AND PROCESSES AND METHODS

THEREFOR

As a below named inventor, I hereby declare that: My residence, post office box address and citizenship are stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CEMENTITIOUS COMPOSITIONS AND CEMENTITIOUS SLURRIES FOR PERMANENTLY BILLOTHO ADANDANED LETTE AND DECCESS AND METHADS THEREFORD

Was filed on	es United Sta	tes Application Number or	PCT International A	<u>Application</u> applicable).
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emended by any amendment of actinowledge the duty to disc	referred to above.			ia .
hereby claim foreign priority to	benefits under 36 U.S.C. 6 10	O(a)-(d) or 6 365(b) of any	oreign application(	s) for pateill of thventors
pertificate, or 6.365(a) of any P	CT international application v	which designated at least o	ne country other th	an the United States, list
below and have also identified memational application having	below, by checking the box	any foreign application for p a application on which orio	satent or inventors riv is claimed.	
Prior Foreign Application(s)	A ST 1991 A COURT COLOR OF STATE OF ST			Priority Not Claimed
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hereby claim the benefit under	/ 35 U.S.C. § 119(8) of any U	nited States provisional app	1	90W.
Application Number)	•	Filing Date)	-	
Anglication Number)		Filing Osie)	•	
hereby claim the benefit unde	4 35 U.S.C. 6 120 of any Unit	ed States application(s), or	& 365(c) of any PC	T International application
selection the Linked Crates	Ested below and, Insofar as II	e subject matter of each of	the cisime of this	notication is not disclose
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2. CERTIFICATE OF "EXPRESS MAILING" LABEL NO. EM173672739US Docket No. 843A Paper No. VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS - INDEPENDENT INVENTOR Applicant: James H. Trato Serial No.: Unknown Filing Date: Herewith For: CEMENTITIOUS COMPOSITIONS AND CEMENTITIOUS SLURRIES PERMANENTLY PLUGGING ABANDONED WELLS AND PROCESSES AND METHODS THEREFOR As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in: the specification filed herewith with title as listed above. the application identified above. the patent identified above. I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 GFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below: No such person, concern, or organization exists. Each such person, concern or organization is listed below. Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27) I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of emittement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small emity is no longer appropriate. (37 CFR 1.28(b)) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed. Signature of Applicant:





Docket No. 843A

Paper No.

# VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS - INDEPENDENT INVENTOR

Applicant:

James H. Trato

Serial No.:

Unknown

Filing Date:

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For:

CEMENTITIOUS COMPOSITIONS AND CEMENTITIOUS

SLURRIES PERMANENTLY PLUGGING ABANDONED WELLS AND PROCESSES

AND METHODS

U.S. PATENT OFFICE DEFINITION OF SMALL ENTITY OR BUSINESS

## RECEIPT AND HANDLING OF MAIL AND PAPERS

509.02

§ 121.3-18 Definition of small business for paying reduced potent fees under Title 33, U.S. Code.

(a) Persuant to Peb. L. 97-247, a small berinces concern for pur es of paying reduced fees under 35 U.S. Code 41 (a) and (h) to the Patent and Trademark Office means any business concern (5) whose number of employees, including those of its affitiates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or conveyed, or licensed, and is under no onlygation under converse to law to assign, grant, convey or license, any rights in the invention to airy person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organiwould not qualify as a sinual business concern or a nonproise organization under this section. For the purpose of this section cohorms are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The sumber of employees of the business concern is the swenge over the fiscal year of the persons employed during each of the pay persons of the fiscal wair. Figuriances are three persons employed on a nds of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal

ter of the concern.

(b) If the Patent and Trademark Office determines that a concern within this section, the is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall Business Administration. The Patent and Trademark Office shau transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Course). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error, and the facts and arguments supporting the concern's claimed status as a small husiness concern under this section.

(c) A nonprofit organization as used in this chapter means (f) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1934 (16 U.S.C. 501(c)(3)) and exempt from transition under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any non-involt actentific or educational organization qualified under a many-ordit organization statute of a state of this country (35 U.S.C. 201(b)); or (4) any non-profit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (a) (2) or (3) of this section if it were located in this country.

(f) A small certify as used in this chapter means an independent inventor, a small husiness concern or a nonprofit organization. (e) A nonprofit organization as used in this chapter means (1) a

### INDEPENDENT INVENTOR

Section 1.9(c) of 37 CFR defines an independent inventor as any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization. Once an individual sole inventor, or one of several joint inventors, has assigned, granted, conveyed, or li-censed, or comes under an obligation to assign, grant, convey, or license, any rights to the invention to anyone who could not likewise obtain status as a small entity, the inventor(s) will no longer be entitled to pay fees in the amounts established for an independent inventor (§ 1.9(c)).

Rights in the invention include the right to make, tise or sell the invention or the right to exclude others from making, using or selling the invention. Therefore, for example, status as a small entity is lost by an inventor who has transferred or has an obligation to transfer a shop right to an employer who could not quality as a small entity.

Section 1.9(c) permits an individual inventor to make an assignment, grant, conveyance, or license of partial rights in the invention to another individual or individuals who could qualify as an independent inventor or inventors if they had made the invention. In addition, § 1.9(c) permits an individual inventor to make an assignment, grant, conveyance, or license of partial rights in the invention to a small business concern or nonprofit organization. Under the circumstances described in the previous two sentences the individual inventor could still qualify as an independent inventor. However, if the independent inventor assigned, granted, conveyed, or licensed, or came under an obligation to assign, grant, convey, or license, any rights to the invention to any individual or organization which could not qualify as a small entity (§ 1.9(f)), then the inventor would no longer qualify as an independent inventor.

#### SMALL BUSINESS CONCERN.

Section 1.9(d) of 37 CFR provides that, in order to be a small business, the number of employees of the concern, including those of its allilates, may not exceed 500 persons. Concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. For discussion and example of what constitutes "control" see the regulations of the Small Business Administration (13 CFR 121.3-2). The number of employees of a business concern is determined by counting the number of persons of the concern and its affiliates employed on a full-time, parttime or temporary basis during the previous fiscal year of the concern and of its affiliates. The number of employees is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year.

The definition also requires a small business for this purpose to be one "which has not assigned, granted, conveyed, or ficensed, and is under no obligation tinder contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section."